



IF DAC

SERIAL NO. 10/796,845

PATENT APPLICATION

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

| | | | |
|-------------|--|-----------------|------------|
| Applicant: | HALEDMAN | Examiner: | Roy, B. |
| Serial No.: | 10/796,845 | Group Art Unit: | 3737 |
| Filed: | March 9, 2004 | Docket No.: | GUID.023C1 |
| Title: | DOPPLER GUIDING CATHETER USING SENSED BLOOD TURBULENCE LEVELS | | |

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 9, 2008.

By: Tracey M. Dotter
Tracey M. Dotter

Petition Under 37 C.F.R. § 1.181 (MPEP § 711.03(c))
To Withdraw Holding Of Abandonment

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests withdrawal of the holding of abandonment in patent application Serial No. 10/796,845. No fees by the Applicant should be required or otherwise incurred in view of the following evidence and facts which support this request. However, to the extent that other fees are necessary for entry of this Petition, authorization is given to charge Deposit Account No. 50-3581 (GUID.023C1).

This Petition is being timely presented as the Petition is being filed within two months of becoming aware that the case had been characterized as abandoned.

A Notice of Abandonment dated March 17, 2008 (see Exhibit A) was received by Applicant's representative. The Notice of Abandonment alleges that a Reply to the Official Communication dated January 30, 2007 was not timely submitted to the U.S. Patent and Trademark Office. It is noted that the Notice of Abandonment has an erroneous date as the Official Communication was issued January 3, 2007 not January 30, 2007. The attorney of

record has reviewed the aforementioned Notice of Abandonment, and respectfully contends that the Notice was issued in error.

Applicant received an Official Communication dated January 3, 2007 (see Exhibit B) which stated the previously submitted Terminal Disclaimer was invalid due to a sentence being missing. The Official Communication gave a one month time period for response.

A Response to the Official Communication was timely filed with the U.S. Patent and Trademark Office by U.S. Mail on January 8, 2007, with an executed certificate of mailing under 37 CFR § 1.8. A true and accurate copy of the original documents as mailed on January 8, 2007 is enclosed as Exhibit C.

In compliance with 37 C.F.R. § 1.8(b), Applicant is submitting a statement from the person who signed the certificate of mailing under 37 CFR 1.8, Tracey M. Dotter, attesting the Response to the Official Communication was filed on January 8, 2007.

In view of the above, Applicant respectfully request that the holding of abandonment in Patent Application Serial Number 10/796,845 be withdrawn, and that the enclosed Response be considered as timely filed on January 8, 2007.

If the Patent Office believes it necessary or helpful, the Patent Office is invited to contact the undersigned attorney at the number below to discuss any issues related to this case.

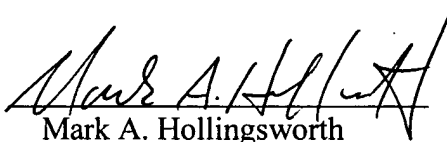
Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date:

4/5/08

By:



Mark A. Hollingsworth
Reg. No.: 38,491



STATEMENT BY TRACEY M. DOTTER
UNDER 37 C.F.R. § 1.8(b)(3)

I, Tracey M. Dotter, certify that I personally signed the certificate of mailing under 37 C.F.R. § 1.8(a) for the Response to the Official Communication at issue, and accordingly had personal knowledge of the expectation that the Response was deposited in the United States Postal Service as first class mail on January 8, 2007. I duly attest to the true and accurate copy of the Response to the Official Communication enclosed with this present communication (Exhibit C), on behalf of Patent Application Serial No. 10/796,845.

Dated: 4/9/08

Signature: Tracey M. Dotter
Tracey M. Dotter

EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------|------------------|
| 10/796,845 | 03/09/2004 | Paul Craig Haldeman | GUID.023C1 | 2425 |
| 51294 7590 03/17/2008 HOLLINGSWORTH & FUNK, LLC 8009 34TH AVE S. SUITE 125 MINNEAPOLIS, MN 55425 | | | EXAMINER ROY, BAISAKHI | |
| | | | ART UNIT | PAPER NUMBER |
| | | | .3737 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 03/17/2008 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|----------------------|--|
| Notice of Abandonment | Application No. | Applicant(s) | |
| | 10/796,845 | HALDEMAN, PAUL CRAIG | |
| | Examiner | Art Unit | |
| | Baisakhi Roy | 3737 | |

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 1/30/07.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/Brian L Casler/
Supervisory Patent Examiner, Art Unit 3737

Brian L Casler
SPE
Art Unit: 3737

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

EXHIBIT B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|------------------|
| 10/796,845 | 03/09/2004 | Paul Craig Haldeman | GUID.023C1 | 2425 |
| 51294 7590 01/03/2007 HOLLINGSWORTH & FUNK, LLC 8009 34TH AVE S. SUITE 125 MINNEAPOLIS, MN 55425 | | | EXAMINER JAWORSKI, FRANCIS J | |
| | | | ART UNIT 3768 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 01/03/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

| | | | |
|---------------------------------|-------------|---|---------------------|
| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|

10796845

| |
|----------|
| EXAMINER |
|----------|

| | |
|----------|-------|
| ART UNIT | PAPER |
|----------|-------|

20061226

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The Terminal Disclaimer filed on October 10, 2006 has been disapproved by the paralegal with whom decision authority rests as having a final sentence omitted from its first paragraph.

A period of ONE MONTH is extended in which to correct this deficiency.

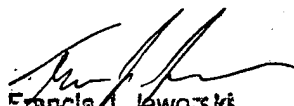

Francis J. Jaworski
Primary Examiner

EXHIBIT C